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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,568	02/10/2004	Norbert Miller	SWR-0130	1477
23413	7590	12/07/2006	EXAMINER SHAPIRO, JEFFERY A	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,568

Applicant(s)

MILLER ET AL.

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/7/04 & 6/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bypass" through which coins are passed from the "further processing device" to a "coin insertion slot" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: providing a coin acceptance device having... (i.e, elements as required to perform the process).

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the phrase "wherein the coins to the pair of rollers" means.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by the phrase "rotated as a function of coin supply".

6. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the pair of rollers can pass coins through a bypass connected to a coin insertion slot, since figure 1 seems to illustrate that the coin insertion slot (13) has no connection either to funnel (3) or to rollers (2). Instead, it illustrates that coins are inserted in coin slot (13) and fall down bypass (7) into container (14).

7. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what relationship there is between the "further processing device" and the other structural elements. Also, this phrase implies that a "first processing device" is incorporated in the apparatus, but no such processing device is positively recited in Claim 9, from which Claim 12 depends.

8. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "sensor" in Claim 23 is used by the claim to mean "a device for capturing contaminants", while the accepted meaning is "a detector that detects or senses conditions." The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-6, 9-11, 16, 17, 21 and 22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Okuda (JP 05166032A).

Regarding **Claims 1, 3, 4, 6, 16 and 17**, Okuda discloses an apparatus having a coin inlet (1) which pivots at the top portion of the slot (see figure 1), rollers (3a, 3b), which separate coins into a singulated flow (see figure 4), to be further processed by a coin mechanism. See “purpose” and “constitution”.

Regarding **Claim 2**, note element (4) that connects both rollers to a drive mechanism, thereby rotating them at the same rotational speed.

Regarding **Claim 5**, note that it is inherent that a coin mechanism has a collection container where processed coins are stored.

Regarding **Claims 9, 11 and 21**, further note sloped surface (2) as well as the opposing sloped surface over the opposing roller, as illustrated in figures 1 and 2.

Regarding **Claim 10**, see figures 3-5.

Regarding **Claim 22**, note that door/cover (1) is both removable and pivotable.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiaki et al (US 4,558,711) in view of Okuda.

Regarding Claims **7, 8, 12-14, 18, 19**, Yoshiaki discloses a coin input section (13, 14, 15) in the form of a hopper, with a sensor (77) that causes the hopper to dump coins to a coin processor (19, 21), that further dumps coins into coin tubes (45) or coin box (51, 55), as well as coin bypass section (56) that returns coins to the coin input section (13, 14, 15).

Note that hopper (15) acts as a pivotable gate, and is construed to be locked after dumping coins previously placed inside.

Regarding Claims **1-7, 9-11, 16, 17, 21 and 22**, Yoshiaki does not expressly disclose, but Okuda discloses the coin slot with a pair of coin rolls described above.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated the coin rolls of Okuda below Yoshiaki's pivotable tray (15).

The suggestion/motivation to do so would have been to help prevent foreign matter from entering the coin apparatus. See last two lines of Okuda's "constitution" area.

Regarding Claim **15**, note that Okuda's inlet framed by door (1) and housing (6) is construed to be "funnel-like" because of its narrowing towards a central area between the two rollers, as seen in figure 1.

Regarding Claim **20**, it would have been obvious to place angled chute-like structures, such as element (2) in Okuda (see figures 1 and 2), or element (37) in figures 1 and 2 of Yoshiaki, to direct coins to various areas of the coin apparatus.

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The suggestion, motivation would have been suggested by these disclosures, which would have led one ordinarily skilled in the art to have directed coins to the "further processing device".

14. Claim 23, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda in view of Gerrity et al (US 6,484,884).

Okuda discloses the coin apparatus described previously.

Okuda does not expressly disclose, but Gerrity discloses a means for capturing contaminants, such as perforated tray (1402) and tumbler (318) with capture trays (338, 342 and 343) as illustrated at figure 3 and described at col. 11, lines 20-45, col. 13, lines 30-40 and col. 14, lines 12-13.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated the waste removal system taught by Gerrity in Okuda's system, such as on a sloped transport chute.

The suggestion/motivation to do so would have been to help prevent foreign matter from entering the coin apparatus. See last two lines of Okuda's "constitution" area as well as Gerrity's abstract.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirose '854 is cited as another example of a movable and lockable gate (51).

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS 

November 19, 2006


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600